

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

FIFTH CHURCH OF CHRIST,
SCIENTIST, IN SAN FRANCISCO,
CALIFORNIA, et al.,

Plaintiffs,

v.

CITY AND COUNTY OF SAN
FRANCISCO, et al.,

Defendants.

Case No. [4:22-cv-01608-YGR](#) (DMR)

**NOTICE OF SETTLEMENT
CONFERENCE AND SETTLEMENT
CONFERENCE ORDER**

Re: Dkt. No. 44

TO ALL PARTIES AND COUNSEL OF RECORD:

The above matter was referred to Magistrate Judge Donna M. Ryu for settlement purposes.

You are hereby notified that a settlement conference is scheduled for **March 24, 2023 at**

1:00 p.m. which shall be held via Zoom video conference. Counsel are responsible for making sure that their participants are able to take part in a Zoom video conference. Counsel should ensure that their participants have downloaded the Zoom application onto a laptop or desktop with a working camera and microphone, and counsel shall do a test run with all of their participants prior to the settlement conference to eliminate all equipment-based problems. Audio-only participation is prohibited. In order to facilitate entry from the Zoom “waiting room” feature, counsel shall ensure that their participants use their actual names on the Zoom platform. All participants must also have access to email and a telephone throughout the settlement conference.

It is the responsibility of counsel to ensure that whatever formal or informal discovery is needed for all sides to evaluate the case for settlement purposes is completed by the date of the settlement conference.

A. Mandatory Personal Attendance.

Lead trial counsel shall appear at the settlement conference with the **parties and with the**

1 **person(s) having full authority** to make the final decision as to whether any settlement offer is
 2 made, accepted, or rejected (if full authority does not rest with the party). A person who needs to
 3 call another person not present before making, accepting, or rejecting any settlement offer does
 4 **not** have such full authority. If a party is a **governmental entity**, its governing body shall
 5 designate one of its members or a senior executive to appear at the settlement conference with
 6 authority to participate in the settlement conference and, if a tentative settlement agreement is
 7 reached, to recommend the agreement to the governmental entity for its approval. An **insured**
 8 **party** shall appear with a representative of the carrier with **full authority to negotiate up to the**
 9 **limits of coverage.**

10 Personal attendance is mandatory and will rarely be excused by the court, and then only
 11 upon a written request that is timely under the circumstances and that demonstrates extraordinary
 12 hardship. Personal attendance may be excused only upon written authorization from the court. If
 13 the court permits attendance by telephone, the person who is excused from personally appearing
 14 must be available to participate by telephone throughout the entire conference.

15 **B. Duration and Content of Settlement Conference.**

16 It is not unusual for settlement conferences to last three (3) or more hours. Parties and
 17 their representatives should be prepared to devote the entire day to the conference if necessary.
 18 Parties are encouraged to participate in the settlement conference and frankly discuss their case.
 19 Statements they make during the conference will not be admissible at trial in the event the case
 20 does not settle. The parties and their representatives should be prepared to discuss such issues as
 21 their settlement objectives; any impediments to settlement they perceive; whether they have
 22 enough information to discuss settlement and if not, what additional information is needed; and
 23 the possibility of a creative resolution of the dispute.

24 **C. Continuances.**

25 Any request to continue the settlement conference shall state the reason therefor and be
 26 submitted in writing as soon as possible after consultation with the opposing party but well in
 27 advance of the scheduled conference date. The request must demonstrate a **compelling reason**
 28 **for a continuance and shall state whether it is joined or opposed by the other party(ies).**

Submission of such request shall be **filed** with the court. **Parties must appear on the calendared date unless the court issues an Order continuing the matter.**

If the date to which a continuance is sought would be past a deadline for holding the settlement conference that was set by the judge to whom the case is assigned for trial, the party seeking the continuance must secure permission from the trial judge to hold the settlement conference during the proposed new time frame **before seeking the continuance from Judge Ryu**. A writing evidencing the trial judge's extension of the deadline must accompany the party's request to Judge Ryu for the continuance.

The parties shall immediately notify Judge Ryu's Courtroom Deputy, Ivy Garcia, at dmrcrd@cand.uscourts.gov if this case settles prior to the date set for the settlement conference.

Any failure to comply with the requirements of this Order may subject the parties and/or counsel to sanctions.

IT IS SO ORDERED.

Dated: February 24, 2023



DONNA M. RYU
United States Magistrate Judge